IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 830(S/S)2007

Smt. Sangita Verma W/o Sri Gagendra Prasad Verma,
Assistant Teacher, Bhuludha, (Block)-Hawalbag,
District Almora. ---- Petitioner.

Vs.

1. Addl. District Education Officer (Basic),
   District Almora,
2. Smt. Maya Bisht, Assistant Teacher,
   Bhuludha, (Block)-Hawalbag,
   District-Almora. ---- Respondents.

Sri Ravi Babulkar, learned Counsel for the petitioner and
Sri Paresh Tripathi, learned Standing Counsel for State of Uttarakhand.
None for respondent no. 2.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ravi Babulkar, learned Counsel for the petitioner and Paresh Tripathi, learned Standing Counsel for State of Uttarakhand/ respondents. None is present for respondent no. 2.

The petitioner, who is Assistant Teacher in Primary School was transferred vide order dated 06.08.2004 from Primary School, Balta, Block Hawalbag, District Almora to Bhuludha, Block- Hawalbag, District Almora. At the time when the petitioner was transferred to Bhuludha, the sanctioned strength of teachers in the Primary School, Bhuludha was one Headmistress and one Assistant Teacher, as is clear from the transfer order dated 6th August 2004. The petitioner joined at Bhuludha on 07.08.2004. Vide order dated 29/30th June 2005, the respondent no. 2 was transferred to this place i.e. Primary School Bhuludha and now by the impugned order dated 11.06.2007, the petitioner has been transferred from Bhuludha to Primary School, Chamroli Kanari, Block Dhauladevi, Almora on the ground that she us working in Primary School, Bhuludha as a surplus teacher. At the time when the petitioner was

transferred to Bhuludha on 06.08.2004, it was specifically mentioned in the transfer order that the School is an **"EKAL ADHYAPAK** Primary School". In these circumstances, it is not known as to why the respondent no. 2 was transferred to that School when the School was running on **EKAL ADHYAPAK** pattern and why she is being retained in that School and the petitioner is being transferred on the ground that the petitioner has become a surplus teacher.

In the foregoing circumstances, I direct the respondent no. 1 to submit explanation before the Director, Schools Education Dehradun within a period of three weeks as to why the respondent no. 2 was transferred in the School when the School was running in the pattern of **"EKAL ADHYAPAK,** Primary School" besides it the petitioner was working in the School and why the petitioner has been transferred by the impugned order and not the respondent no. 2.

The respondent no. 1 shall submit its explanation before the Director School Education, Uttarakhand and after explanation is submitted to the Director, the Director may pass appropriate orders in the prevailing circumstances of the case. Till the matter is pending before the Director, the petitioner shall not be relieved from the present School.

The petitioner is directed to submit a certified copy of this order before the respondent no. 1 within a week from today.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 10, 2007:
NCM: